

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DWAINE L. WRIGHT

Case No. C-3:04-cr-003
3:10-cv-174

Petitioner,

District Judge Thomas M. Rose
Chief Magistrate Judge Sharon L. Ovington

-v-

UNITED STATES OF AMERICA,

Respondent.

ENTRY AND ORDER OVERRULING WRIGHT'S OBJECTIONS (Doc. #202) TO THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #195) IN ITS ENTIRETY; DISMISSING WRIGHTS'S MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE (Docs. 145, 188); GRANTING THE UNITED STATE'S MOTION TO DISMISS (Doc. #152); DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to Petitioner Dwaine L. Wright's ("Wright's") Objections (doc. #202) to Chief Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #195). Chief Magistrate Judge Ovington's Report and Recommendations recommends that Wright's Motion To Vacate, Set Aside Or Correct Sentence be dismissed with prejudice. Chief Magistrate Judge Ovington also recommend that Wright be denied a certificate of appealability and that Wright should not be permitted to proceed *in forma pauperis* on appeal.

The United States has responded to Wright's Objections. (Doc. #205.) This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the

District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Wright's Objections to the Chief Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Wright's Motion To Vacate, Set Aside or Correct Sentence (docs. 145, 188) is denied and dismissed with prejudice. The United State's corresponding Motion To Dismiss (doc. #152) is granted. Further, because reasonable jurists would not disagree with this conclusion, Wright is denied any requested certificate of appealability and is denied leave to proceed *in forma pauperis* on appeal. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Thirtieth Day of May, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record